

# Exhibit 5

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 CASE NO.: 20-cv-3699

4 PDV USA, INC.,

Plaintiff,

5 vs.

6 INTERAMERICAN CONSULTING INC.,

7 Defendant.

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9  
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11  
12 VIDEOTAPED DEPOSITION OF  
13 INTERAMERICAN CONSULTING INC.  
14 BY: DAVID RIVERA

15  
16  
17 Wednesday, July 27, 2022  
9:15 a.m. - 6:14 p.m.

18  
19  
20 Jones Day  
600 Brickell Avenue  
21 Miami, Florida

22  
23  
24 Stenographically Reported By:  
Gina Rodriguez, RPR, CRR

1 presentation?

2 A. I didn't because I wasn't going to make the  
3 presentation, but my understanding is that executives  
4 or technocrats inside Citgo did.

5 Q. Have you ever seen a draft of this  
6 presentation?

7 A. It may have been more than one  
8 presentation. I think there were several.

9 Q. Have you ever seen a draft of any  
10 presentation that was intended to be made to  
11 Exxon Mobil as part of the meeting that you were  
12 arranging?

13 A. No. No.

14 Q. Have you ever seen any talking points that  
15 were intended to be used in connection with the  
16 meeting you were trying to arrange with Exxon Mobil?

17 A. No.

18 Q. Have you ever seen any agenda to be used in  
19 connection with the meeting you were trying to  
20 arrange with Exxon Mobil?

21 A. I believe in messages that went back and  
22 forth between Exxon Mobil, there was discussion of  
23 the agenda.

24 Q. Did you see those messages?

25 A. Yes.

1 APPEARANCES:

2 On behalf of Plaintiff PDV USA, Inc.:

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12 On behalf of Defendant Interamerican Consulting  
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19 ALSO PRESENT:

20 Paul Smith, Videographer

21 Alex Gonzalez (via Webex)

1           A.     None.   According to the Venezuelan  
2   Constitution.

3           Q.     Citgo is a U.S. company, correct?

4           A.     Yes.

5           Q.     And it had --

6           MR. KORN:   You know, now is a good time to  
7   take a break.

8           THE WITNESS:   Thank you.   I appreciate it.

9           THE VIDEOGRAPHER:   Going off the record at  
10   10:22 a.m.

11          (Recess was held from 10:22 a.m. until 10:33 a.m.)

12          THE VIDEOGRAPHER:   Back on the record at  
13   10:33 a.m.

14   BY MR. KORN:

15          Q.     Welcome back, Mr. Rivera.

16          A.     Thank you.

17          Q.     Do you recall yesterday we discussed the  
18   payments that you made to Hugo Perera, Raul Gorrin  
19   and Esther Nuhfer?

20          A.     Yes.

21          Q.     And you referred to those as referral fees?

22          A.     Yes.

23          Q.     And I believe you testified that you never  
24   paid any consulting fees to any of them?

25          A.     Correct.

1 BY MR. KORN:

2 Q. Okay. Put that document to the side.

3 Let's do Tab 35.

4 (Thereupon, marked as Exhibit 20.)

5 BY MR. KORN:

6 Q. Mr. Rivera, the court reporter has handed  
7 you Exhibit 20.

8 A. Yes.

9 Q. Which is an email from you to Esther Nuhfer  
10 and Hugo Perera dated November 29th, 2017, bearing  
11 the Bates Number PGA104. Do you see that?

12 A. Yes.

13 Q. Okay. This email is a little over a week  
14 after the email that we just looked at from you to  
15 Mr. Lykkebak; do you see that?

16 A. Yes.

17 Q. Okay. And do you see in your -- first off,  
18 did you send the email I've marked as Exhibit 20 to  
19 Ms. Nuhfer and Mr. Perera?

20 A. Who gave you this?

21 Q. It was produced by PG & Associates.

22 A. I would assume so, but I would not say  
23 definitely if it came from PG & Associates.

24 Q. You're the author of this email according  
25 to Exhibit 20.

1           A.    Yes.

2           Q.    Do you doubt that you sent this email on  
3 November 29th, 2017?

4           A.    I would presume so, but I cannot say  
5 definitely if it came from PG & Associates.

6           Q.    Do you recall sending this email?

7           A.    No.

8           Q.    Do you see that in this email you wrote:  
9 "Here are the invoice dates and amounts that I need  
10 from each subcontractor"?

11           MR. JOHNSON: Object to the form.

12           MR. KORN: What is wrong with my question?

13           MR. JOHNSON: Your question presumes that  
14 he wrote it. He just testified he doesn't  
15 remember writing it and the question, the  
16 veracity of it, if it came from PG & Associates.  
17 That's why I objected to the form, Mr. Korn. I  
18 don't like doing speaking objections, but if you  
19 want to ask me to explain it, I'm happy to do so  
20 for the record.

21           MR. KORN: My question was: Do you see  
22 that in this email you wrote, "Here are the  
23 invoice dates and amounts that I need from each  
24 subcontractor"?

25           MR. JOHNSON: And my objection is that your

1           question is presuming that he wrote it when he's  
2           just testified that he's not sure he wrote it.

3           MR. KORN:   Okay.

4       BY MR. KORN:

5           Q.    Are you questioning -- are you questioning  
6           the authenticity of this document?

7           A.    Who did it come from?

8           Q.    I just answered that question.

9       PG & Associates produced this to us.  Do you, sir,  
10      question that this email was actually sent by you at  
11      this time?

12          A.    I question anything provided by  
13      PG & Associates.

14          Q.    Why?

15          A.    Because PG & Associates is run by  
16      Hugo Perera.

17          Q.    Okay.

18          A.    Who since December 2018 has been a  
19      cooperating FBI informant in an investigation of this  
20      matter.

21          Q.    Do you believe that Hugo Perera fabricated  
22      the email that I have marked as Exhibit 20?

23          A.    I question anything produced by Hugo Perera  
24      because since December 2018, he has been a FBI  
25      government informant in a matter related to these



1 topics.

2 Q. Right. The FBI is investigating the  
3 contract arrangements that you entered into with  
4 Hugo Perera, correct?

5 A. I have no idea what the FBI is  
6 investigating. I can only tell you what I've read.

7 Q. Okay. Did you delete your copy of the  
8 email that I've marked as Exhibit 20?

9 A. I don't recall this email, so I can't  
10 recall deleting it.

11 Q. Okay. You testified yesterday that in  
12 response -- after conversations that you had with  
13 your accountant, you had further discussions with  
14 Mr. Perera and Ms. Nuhfer and Mr. Gorrin about  
15 documenting the referral fees that you paid. Do you  
16 recall that?

17 A. Yes.

18 Q. Okay.

19 And I believe you said that you went back  
20 to the three of them and asked for W9s, invoices and  
21 other things; is that correct?

22 A. Correct.

23 Q. Okay. This email says: "Here are the  
24 invoice dates and amounts that I need from each  
25 subcontractor."

1                   MR. JOHNSON: Let him ask his question,  
2                   David.

3           BY MR. KORN:

4           Q.    Have you provided information to the FBI?

5           A.    They have the same information you have.

6           Q.    Meaning what?

7           A.    Meaning whatever we gave you, we gave them.

8           Q.    Have you ever been interviewed by the FBI?

9           A.    No.

10          Q.    Have you spoken to the FBI?

11          A.    No.

12          Q.    I believe you testified yesterday that  
13                following your discussions with Mr. Lykkebak, your  
14                accountant, you, together with Mr. Perera and  
15                Ms. Nuhfer, put together contracts for services to  
16                document the referral fees that you paid; is that  
17                correct?

18          A.    We did not all put it together. I drafted  
19                it.

20          Q.    Okay. That was going to be one of my  
21                questions.

22                        The contract for services that were signed  
23                were drafted by you; is that correct?

24                MR. JOHNSON: Object to the form.

25           A.    Say it one more time.

1 right. So . . .

2 Thank you for the clarification.

3 BY MR. KORN:

4 Q. So Exhibit 22 is a one-page contract for  
5 services produced to us by Interglobal Yacht  
6 Management bearing the Bates number IYM Supplemental  
7 Response 000290.

8 Do you have the document in front of you?

9 A. Yes.

10 Q. Okay. My first question, sir, is that --  
11 do you see that there's a signature block at the  
12 bottom?

13 A. Yes.

14 Q. And there's a signature block for  
15 Interamerican Consulting Incorporated. Do you see  
16 that?

17 A. Yes.

18 Q. Is that your signature?

19 A. Yes.

20 Q. Did you sign this document?

21 A. Yes.

22 Q. Okay.

23 A. But not on that date.

24 Q. I'll get -- I'll get there.

25 But this contract for services is a

1 document that you signed, correct?

2 A. Yes.

3 Q. And am I correct that you were the person  
4 who drafted the contract for services that I've  
5 marked as Exhibit 22?

6 A. Yes.

7 Q. And you prepared this contract for services  
8 and signed it in connection with the preparation of  
9 your 2017 tax return; is that correct?

10 A. Yes.

11 Q. You signed this document in order for  
12 Mr. Lykkebak to use it in connection with the  
13 preparation of your tax return, correct?

14 A. I don't know if he was going to use it. I  
15 think the way he described it was that he wanted to  
16 have them in the file.

17 Q. Okay. Did you give this contract for  
18 services to Mr. Lykkebak for his file?

19 A. I believe I either gave it to him for his  
20 file or he told me that I should keep it in a file.  
21 I can't remember which one.

22 Q. Okay. Were you the person who wrote the  
23 date in on under your signature?

24 A. Yes.

25 Q. And the date you wrote is March 20th, 2017,

1       this contract for services as Interglobal Yacht  
2       Management, right?

3             A.     That is the name printed on this document.

4             Q.     Okay. If the referral fee was owed to  
5       Mr. Gorrin, why didn't you identify Mr. Gorrin as the  
6       subcontractor in this contract for services?

7             A.     Because Mr. Gorrin asked that the payment  
8       be made to Interglobal Yacht Management.

9             Q.     Was Mr. Gorrin part of the project that  
10      Interamerican did with Citgo in 2017?

11            A.     Only as a referral.

12            Q.     Was Mr. Gorrin involved in helping to  
13      arrange meetings with Exxon?

14            A.     No.

15            Q.     Did you communicate with Mr. Gorrin about  
16      arranging meetings with Exxon?

17            A.     I may have, sure.

18            Q.     Did he communicate with you about  
19      conversations he had with Delcy Rodriguez about the  
20      Exxon meeting?

21            A.     No. At least not that I recall.

22            Q.     If you can pull out Exhibit 15 from your  
23      stack. That's the consulting agreement.

24            A.     I got it.

25            Q.     I'd like you to turn to Page 6. If you

1           A.     Right, full-time Citgo employees.

2           Q.     Or PDVSA employees or any Cit0 -- PDV USA  
3 affiliates or anybody within the PDVSA, PDV universe,  
4 that you might consider to be your client.

5                     Are you with me?

6           A.     No one in PDVSA do I consider my client.

7           Q.     Okay, fine. Just so we're clear, we're  
8 talking about meetings between Interamerican and its  
9 client and no one else, correct?

10          A.     Yes.

11          Q.     Okay. The written record of any such  
12 meetings would be communication -- written  
13 communications or documents that were either produced  
14 by Interamerican in this case or by my client in this  
15 case, correct?

16          A.     Unless Barry and Corey have records of  
17 internal Citgo employee meetings related to these  
18 matters.

19          Q.     Okay. Do you personally have any written  
20 records in your files showing that you participated  
21 in meetings with representatives of Interamerican's  
22 client in this engagement?

23          A.     Do you define meetings as over the phone?

24          Q.     All -- meetings, calls --

25          A.     Anything.

1 A. Yes.

2 Q. Okay. Am I correct that you did not send a  
3 written bi-weekly report to PDV USA on May 16?

4 A. Say that one more time.

5 Q. Am I correct that you did not send a  
6 written bi-weekly report to PDV USA on May 16th?

7 A. I don't believe it was written, but oral.

8 Q. Am I correct that you did not send a  
9 written bi-weekly report to PDV USA on May 30th?

10 A. Probably not written, but verbal.

11 Q. Am I correct that you did not send a  
12 written bi-weekly report to PDV USA on June 13th?

13 A. Probably not written, but verbal.

14 Q. Okay. Do you recall actually delivering a  
15 oral bi-weekly report to PDV USA on May 16th?

16 A. Of course.

17 Q. Do you recall actually --

18 A. May I rephrase. On May 16th and many other  
19 days.

20 Q. Okay. Well, I'm only asking about  
21 May 16th.

22 A. Okay.

23 Q. And I'm only asking about bi-weekly  
24 reports.

25 A. Okay.

1           Q.    Do you recall actually delivering an oral  
2 bi-weekly report to the PDV USA on May 16th?

3           A.    Of course.

4           Q.    Do you recall actually delivering an oral  
5 bi-weekly report to PDV USA on May 30th?

6           A.    Of course.

7           Q.    Do you recall actually delivering an oral  
8 bi-weekly report to PDV USA on June 13?

9           A.    Of course.

10          Q.    Okay. Do you recall what you told to  
11 PDV USA in your oral bi-weekly report on May 16th?

12          A.    No.

13          Q.    Do you recall what you told to PDV USA in  
14 your oral bi-weekly report on May 30th?

15          A.    No, whatever was happening at that moment  
16 or that week is what I would report, so whatever was  
17 happening that week.

18          Q.    Do you recall what you told to PDV USA in  
19 your oral bi-weekly report on June 13th?

20          A.    Again, whatever is referenced in these  
21 written reports was what was discussed on those dates  
22 and other dates as well, throughout the periods.

23          Q.    Okay. At the risk of going backwards, if  
24 you turn back to Exhibit 27, which contains your  
25 progress report dated May -- from May 1.



1 A. Yeah.

2 Q. I'll ask you the same questions.

3 Do you recall actually giving an oral  
4 bi-weekly report to PDV USA on April 4th?

5 A. I recall giving my biweekly reports as well  
6 as daily reports but certainly the bi-weekly reports  
7 whenever they were to be given, so if April 4th was a  
8 day for a report, I gave it.

9 Q. Do you recall what you told to PDV USA in  
10 your bi-weekly report on April 4th?

11 A. I'm absolutely positive that we discussed  
12 the details associated with this written report.

13 Q. Do you recall giving an actual oral report  
14 to PDV USA on April 18th?

15 A. I provided the bi-weekly and daily reports  
16 throughout the period and discussed the details  
17 behind these written reports.

18 Q. Do you recall what you told to PDV USA as  
19 part of your bi-weekly report on April 18th?

20 A. Whatever the details are behind this  
21 written report is what was discussed in the bi-weekly  
22 reports.

23 Q. Okay. Do you recall what those details  
24 are, as you sit here today?

25 A. Of course.

1           Q.    Are you able to testify what you  
2 specifically said to PDV USA as part of your  
3 bi-weekly report on April 18th?

4           A.    I already have.  You asked me in specifics  
5 about this paragraph, and I gave you specifics about  
6 this paragraph.

7           Q.    And those are the specifics that you can  
8 recall?

9           A.    Of course.

10          Q.    Okay.

11                Nothing -- do you recall anything else  
12 that you said during your April 18th, bi-weekly  
13 report, that you delivered orally to PDV USA?

14          A.    Can I read it again?

15          Q.    Please.

16          A.    So on the first sentence, that obviously  
17 refers to the corporate constituent outreach element  
18 of the strategic plan, so I'm absolutely sure that  
19 was discussed in the bi-weekly report.

20                The second sentence, similar, involves the  
21 details regarding corporate constituent outreach,  
22 de facto independence, association organization as  
23 well.  The third sentence refers to the corporate  
24 constituent services, certainly the de facto  
25 independence.  I would say those are the -- those

1 interactions in 2017 with the Committee On Foreign  
2 Investment in the United States relating to PDVSA's  
3 pledge of 49.9 percent of the stock -- of  
4 Citgo Holding Inc. to the Russian entity Rosneft?

5 A. I've never heard of that before in my life.

6 Q. Did you work -- withdrawn.

7 Did you do any work to improve PDVSA or  
8 PDV USA's standing with the treasury department  
9 after the announcement of new sanctions in August of  
10 2017?

11 A. Give it to me one more time.

12 Q. Did you do any work to improve PDVSA or  
13 PDV USA's standing with the treasury department after  
14 the announcement of new sanctions in August of 2017?

15 A. Well, number one, I've never done any work  
16 to improve PDVSA's standing anywhere so the first  
17 part of your question is no.

18 Give me the second part.

19 Q. Did you do any work to improve PDV USA's  
20 standing with the treasury department after the  
21 announcements of new sanctions in August of 2017?

22 A. So I remember that even though the contract  
23 had expired in June of 2017, I was still in touch  
24 with Arcay and Orsoni and maybe a couple of the other  
25 guys all the way till November, and so I remember

1 to the form of that, and I don't want to make a  
2 speaking objection, but I think part of the  
3 disconnect is the way they were retrieved the  
4 first time. That information wasn't, either  
5 wasn't retrieved by the vendor or couldn't be  
6 for some reason. I don't know the specifics of  
7 that, but it wasn't withheld from you, it's just  
8 when we went back and produced it the second  
9 time with a different vendor, the information  
10 wasn't there, so for whatever that's worth. I  
11 just want to clarify that, that I think the  
12 wording of what you said, and I can't remember  
13 exactly what it was.

14 A. I had nothing to do with this. I just gave  
15 the phone.

16 BY MR. KORN:

17 Q. Do you have any explanation for why this  
18 information is missing?

19 A. I know nothing about IT.

20 Q. Did you go through your WhatsApp messages  
21 at some point in time and attempt to delete messages  
22 or information involving Raul Gorrin?

23 A. No.

24 Q. Since this litigation has been filed, did  
25 you go through your WhatsApp messages and attempt to

1 delete or delete messages or information involving  
2 Raul Gorrin?

3 A. I just said no.

4 Q. Okay. Let's go to Interamerican\_3062 in  
5 Exhibit 31.

6 Do you see that there is a message in the  
7 middle of the page, and if you --

8 A. Can I -- there we go.

9 Q. So --

10 A. A little bit more.

11 Q. Okay. So just so the record is clear, we  
12 have set up a monitor in this deposition in front of  
13 Mr. Rivera that allows us to display Exhibit 31  
14 electrically in order to zoom in on the text so it is  
15 legible.

16 A. Thank you.

17 Q. The version that was produced to us has  
18 print that is very difficult to read given its size.

19 Mr. Rivera, if you need us to zoom in  
20 further on any message --

21 A. I think we're good.

22 Q. -- let me know.

23 A. I think we're good in 286.

24 Can you go to 300?

25 MR. JOHNSON: I think he means the Zoom

1 document.

2 Q. Did you put that information in this  
3 document?

4 A. I did not.

5 Q. And you did not name PDV USA as the  
6 counter-party to this agreement, right?

7 A. I did not.

8 Q. If they had said this agreement was between  
9 PDVSA and Interamerican, would you have entered into  
10 this agreement?

11 A. Absolutely not.

12 Q. Why not?

13 A. Because I would never want anything  
14 whatsoever to do with PDVSA in any type of agreement.

15 Q. When did PDV USA send the written  
16 termination -- the written notice of their  
17 termination of this agreement to you?

18 A. They never did.

19 MR. JOHNSON: That's it.

20 THE VIDEOGRAPHER: Going off record at  
21 6:14 p.m.

22 (Proceedings concluded at 6:14 p.m.)  
23  
24  
25